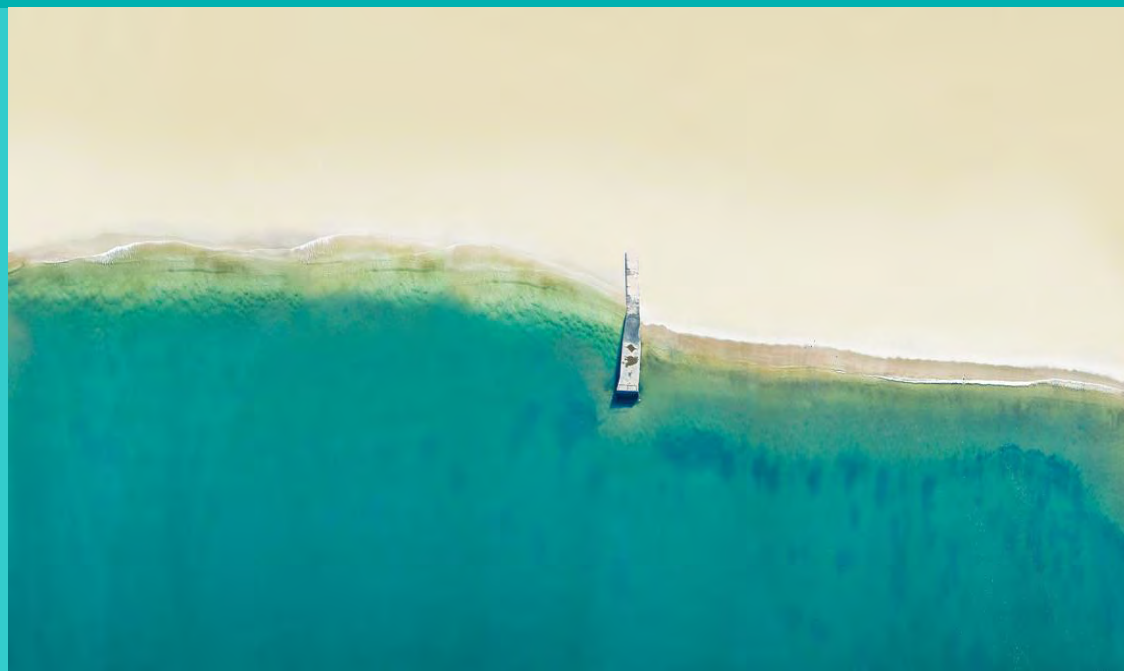# Bayside Council
INFORMATION GUIDE

This information guide has been prepared and published in accordance with the Government Information (Public Access) Act 2009

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PREFACE

This Information Guide has been prepared in accordance with the provisions of Section 20 of the Government Information (Public Access) Act 2009.

Bayside Council promotes open government and accountability to the community. The purpose of this document is to facilitate this by providing members of the public with information concerning:

- the structure of Bayside Council;
- the way in which the functions of Bayside Council affect the public;
- the avenues available to the public to participate in policy development;
- the types of information produced and available from Bayside Council; and
- how members of the public may access records relating to their personal affairs to ensure they are not incomplete, incorrect, out of date or misleading.

1. Structure and functions of Council

1.1 City of Bayside

On Friday 9 September 2016 Bayside Council was established by proclamation. The former Rockdale City Council and City of Botany Bay Council amalgamated to form Bayside Council.The Bayside Council area is located in Sydney's southern and south-eastern suburbs – between 7 and 12 kilometres south of the Sydney CBD.

Bayside Council area is bounded by the City of Canterbury Bankstown, Wolli Creek, the Cooks River, the Inner West Council area and the City of Sydney in the north, Randwick City in the east, Botany Bay and the Georges River in the south, and the Georges River Council area in the west. It is divided into five (5) areas known as Wards: Bexley Ward, Botany Bay Ward, Mascot Ward, Port Botany Ward and Rockdale Ward.

Bayside Council Local Government Area comprises of the following 29 suburbs:-
Arncliffe, Banksia, Bardwell Park, Bexley, Bexley North, Botany, Banksmeadows, Brighton-Le-Sands, Kyeemagh, Carlton, Daceyville, Eastlakes, Hillsdale, Eastgardens, Kingsgrove, Kogarah, Mascot, Monterey, Pagewood , Ramsgate, Ramsgate Beach, Rockdale, Roseberry, Sandringham, Dolls Point, Sans Souci, Turrella, Bardwell Valley and Wolli Creek.

Bayside Council comprises a large proportion southern and eastern Sydney; occupies 50 square kilometres in area and is home to a population of approximately 170 000 people with a population density of 34.11 persons per hectare.

Bayside Council local government area has continued to be an area of significant diversity in its language, culture and religion. Its population has increased rapidly due to high levels of urban growth and high level of new dwelling approvals. Further information regarding the community profile can be found on our website. Please click here.

1.2   Basis of Constitution

Bayside Council is constituted under the Local Government Act 1993.

Council operates under the Local Government Act 1993 (The Act). The purposes of the Act are as follows:

a) to provide the legal framework for an effective, efficient, environmentally responsible and open system of local government in New South Wales;
b) to regulate the relationships between the people and bodies comprising the system of local government in New South Wales;
c) to encourage and assist the effective participation of local communities in the affairs of local government;
d) to give councils:

   i. the ability to provide goods, services and facilities, and to carry out activities, appropriate to the current and future needs of local communities and of the wider public.
   ii. the responsibility for administering some regulatory systems under this Act.
   iii. a role in the management, improvement and development of the resources of their areas;
e) to require councils, councillors and council employees to have regard to the principles of ecologically sustainable development in carrying out their responsibilities.

1.3 Council's Charter

Section 8 of the Local Government Act 1993 details a number of principles which guide a Council in carrying out its functions. This is known as Council's Charter. Bayside Council's Charter is:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively;
- to exercise community leadership;
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism;
- to promote and to provide and plan for the needs of children;
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development;
- to have regard to the long term and cumulative effects of its decisions;
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible;
- to engage in long-term strategic planning on behalf of the local community;
- to exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights;
- to facilitate the involvement of Councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government;
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants;
- to keep the local community and the State government (and through it, the wider community) informed about its activities;
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected; and
- to be a responsible employer.

A council, in the exercise of its functions, must pursue its charter but nothing in the charter gives rise to, or can be taken into account in, any civil cause of action.

1.4 Organisational Structure and Resources

Bayside Council is divided into five (5) areas known as wards: numbered 1, 2, 3, 4, and 5. The ward boundaries are set by Council according to the population, so that each has approximately the same number of residents, and they generally follow the Commonwealth Government's census boundaries.

Bayside Council is governed by the body of Councillors who are elected by the residents and ratepayers of the City.

Bayside Council is made up of fifteen (15) Councillors (comprising of three representatives for each ward), one of whom is the Mayor. Click here to view the list of current Bayside Council's Councillors. These elected representatives meet regularly at formal Council meetings to make decisions on policy matters and other important issues.

1.4.1 Councillors

The role of the Councillors, as members of the body corporate are:

- to direct and control affairs of the Council in accordance with the Local Government Act and other applicable legislation;
- to participate in the optimum allocation of Council's resources for the benefit of the area;
- to play a key role in the creation and review of Council's policies, objectives and criteria relating to the exercise of Council's regulatory functions;
- to review the performance of Council and its delivery of services, management plans and revenue policies of the council;
- to be an active member of the governing body.

The role of a Councillor is, as an elected person:

- to represent the interests of the residents and ratepayers;
- to provide leadership and guidance to the local community;
- to facilitate communication between the local community and the Council.

The Mayor presides at meetings of the Council and carries out the civic and ceremonial functions of the office. The elected Council representatives meet regularly at formal Council meetings to make decisions on policy matters and other important issues. Council employees implement these decisions.

1.4.2 General Manager

The General Manager is appointed by Council under Section 334 of the local Government Act. The General Manager is responsible for the efficient operation of the Council's organisation, the day to day management of Council and for the ensuring implementation of Council decisions. The responsibilities of this position include the overall administration of the Council organisation and staff matters, management of Council's financial affairs, strategic plans, implementation of policies and advising Council on all aspects of local government.

To assist the General Manager in the exercise of these functions, there are five (5) Directorates of Council. The five areas of service delivery (Directorates) are listed below:

- General Manager's Directorate
- City Performance
- City Futures,
- City Life; and
- City Presentations.

1.4.3 Major Functional Areas

The major functional areas within each directorate are listed below:

General Manager's Directorate

- Communications and Events
- Major Projects Delivery
- People Organisation and Culture
- Executive Services

City Futures

- Strategic Planning
- Development Services
- Certification
- City Infrastructure
- Property

City Performance

- Governance & Risk
- Information Technology
- Procurement
- Finance

City Life

- Community Capacity Building
- Recreation & Community Services
- Customer Experience
- Compliance

City Presentation

- City Works
- Parks and Open Space
- Nursery
- Waste & Cleansing Services

For each of the directorates and functional areas, actions or projects are undertaken with a view to contributing towards achieving a strategic direction and outcome.

Council has adopted four (4) strategic directions / themes in consultation with the community that will guide Council and the Community towards achieving our Vision and Mission.

Council's vision is to have a city built on trust, with engaged community, effective leadership and access to decision making.

The pursuit of Council's Vision is underpinned by a set of four (4) strategic directions / themes through which Council will work with the community to achieve identified outcomes that are documented in Council's Community Strategic Plan, Delivery Plan and Operational Plans.
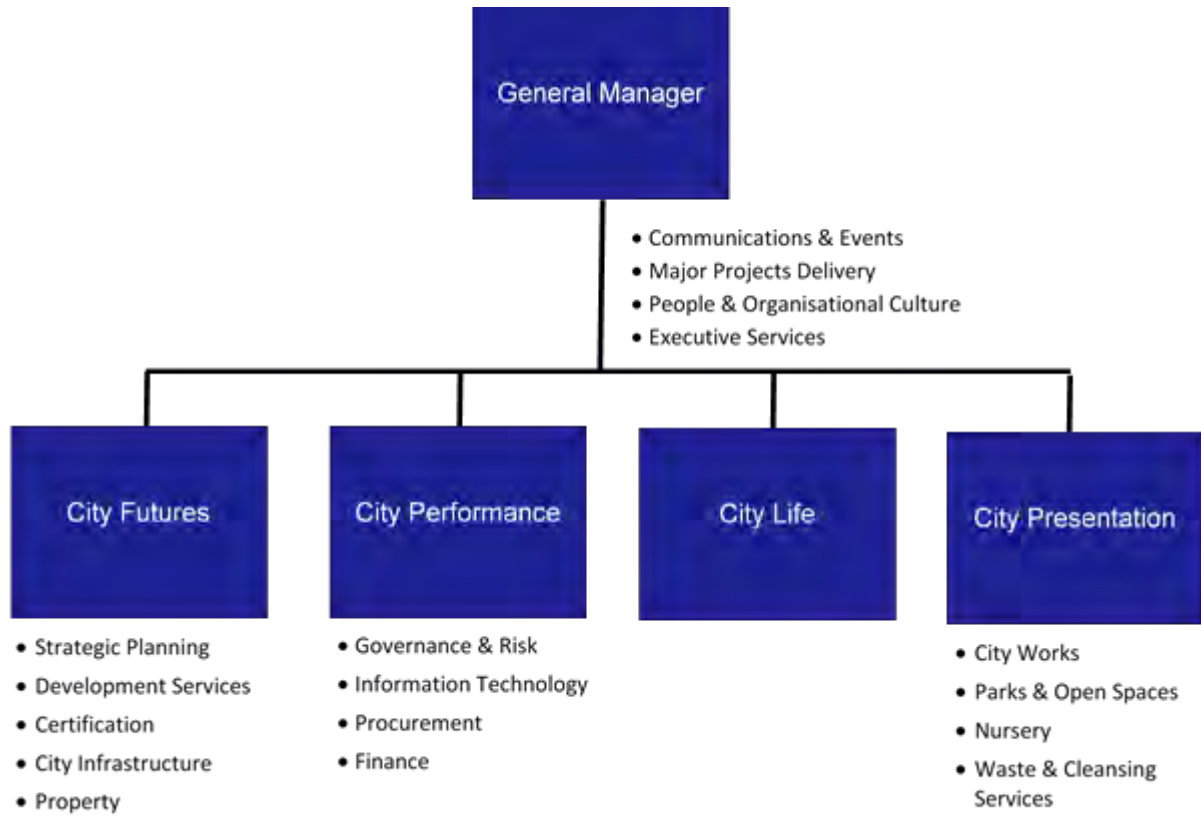
Bayside Council's key four strategic directions / themes for Operational Plan are as follows:

- Theme One - In 2030 Bayside we will be a vibrant place.
  Built forms focus on efficient use of energy, are sympathetic to the natural landscape and make our area a great place to live. Neighbours, visitors and businesses are connected in dynamic urban environments.

- Theme Two - In 2030 our people will be connected in a smart city.
  Knowledge sharing and collaboration ensures that we have the expertise and relationships to lead with integrity, adapt to change, connect vulnerable people to community and effectively respond in times of adversity and stress.

- Theme Three - In 2030 Bayside will be green, leafy and sustainable.
  The biodiversity of the area is protected and enhanced through collaborative partnerships. Vital habitats are supported to rehabilitate, thrive, adapt and recover from risks and climate events. The landscape will be preserved and regenerated to benefit a healthy environment now and in future.

- Theme Four - In 2030 Bayside will be a prosperous community.
  Business innovation, technology, flourishing urban spaces and efficient transport will attract diverse business, skilled employees and generate home based business. Growth in services to the local community will generate employment support, a thriving community and livelihoods.

These four strategic directions / themes were adopted in consultation with the community.

1.4.4 Organisational Chart

A copy of Council's Organisational Structure, which indicates the functions of Council's various areas is shown below:

General Manager
- Communications & Events
- Major Projects Delivery
- People & Organisational Culture
- Executive Services

City Futures
- Strategic Planning
- Development Services
- Certification
- City Infrastructure
- Property

City Performance
- Governance & Risk
- Information Technology
- Procurement
- Finance

City Life

City Presentation
- City Works
- Parks & Open Spaces
- Nursery
- Waste & Cleansing Services

1.5   Functions of Council

Under the Local Government Act 1993, Council's functions can be grouped into the following categories:

Service Functions	Regulatory Functions	Ancillary Functions	Revenue Functions	Admin Functions	Enforcement Functions
Including: Provision of community health, recreation, education & information services. Environmental protection. Waste removal & disposal. Land & property, industry & tourism development & assistance. Civil Infrastructure planning Civil Infrastructure maintenance & construction.	Including: Approvals. Orders. Building certificates.	Including: Resumption of land. Powers of entry and inspection.	Including: Rates. Charges. Fees. Borrowings Investments.	Including: Employment of staff. Integrated planning & reporting. Financial reporting. Annual reports.	Including: Proceedings for breaches of the Local Government Act & Regulations and other Acts & Regulations. Prosecution of offences. Recovery of rates and charges.

Council also has powers under a number of other Acts. Some of those Acts and Regulations include:

- Biosecurity Act 2015
- Boarding Houses Act 2012
- Children (Protection and Parental Responsibility) Act 1997
- Community Land Development Act 1989
- Conveyancing Act 1919
- Companion Animals Act 1998
- Contaminated Land Management Act 1997

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- Community Land Management Act 1989
- Coastal Protection Act 1979
- Disability Discrimination Act 1992
- Crown Lands Act 1989, Crown Lands Regulation 2006, and Crown Lands (General Reserves) By-laws 2006
- Dangerous goods (Road and Rail Transport) Act 2008
- Disability Inclusion Act 2014
- Environmental Planning and Assessment Act 1979
- Environmentally Hazardous Chemicals Act 1985
- Ethnic Affairs Commission Act 1996
- Electronic Transactions Act 2000
- Fire Brigades Act 1989
- Fines Act 1996
- Fluoridation of Public Water Supplies Act 1957
- Food Act 2003
- Geographical Names Act 1966
- Government Information (Public Access) Act 2009
- Graffiti Control Act 2008
- Heritage Act 1977
- Housing Act 2001
- In closed Lands Protection Act 1901
- Impounding Act 1993
- Library Act 1939
- Land Acquisition (Just Terms Compensation) Act 1991
- Land and Environment Court Act 1979
- Native Vegetation Conservation Act 1997
- Noxious Weeds Act 1993
- Protection of Environment Operations Act 1997
- Privacy and Personal Information Protection Act 1998 & Health Records & Information Privacy Act 2002
- Public Interest Disclosures Act 1994
- Public Health Act 2010
- Recreation Vehicles Act 1983
- Public Works Act 1912
- Real Property Act 1900
- Restricted Premises Act 1943
- Road Transport Act 2013
- Roads Act 1993
- State Emergency Service Act 1989
- State Emergency & Rescue Management Act 1989
- State Records Act 1998
- Strata Schemes (Freehold Development) Act 1973
- Strata Schemes (Leasehold Development) Act 1986
- Strata Schemes Management Act 1996
- Strata Schemes Development Act 2015
- Strata Schemes Management Act 2015
- Surveillance Devices Act 2007
- Swimming Pools Act 1992
- Tattoo Parlours Act 2012

- Threatened Species Conservation Act 1995
- Transportation Administration Act 1998
- Trees (Disputes Between Neighbours) Act 2006
- Valuation of Land Act 1916
- Wilderness Act 1987
- Unclaimed Money Act 1995
- Unhealthy Building Land Act 1990.
- Waste Avoidance and Resource Recovery Act 2001
- Work Health and Safety Act 2011

Bayside Council is also subject to a significant number of other State and Commonwealth legislative requirements, many of which impact on the organisation in some manner.

1.5.1 Delegation of Functions

Bayside Council may, by resolution, delegate to the General Manager many of its functions. The General Manager may sub-delegate to an authorised person (such as an employee of the Council) many functions delegated by the Council.

The following functions of the Council are NOT able to be delegated and the Council itself must deal with these matters:

a)   the appointment of a general manager,
b)   the making of a rate,
c)   a determination under section 549 as to the levying of a rate,
d)   the making of a charge,
e)   the fixing of a fee,
f)   the borrowing of money,
g)   the voting of money for expenditure on its works, services or operations,
h)   the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
i)   the acceptance of tenders which are required under this Act to be invited by the council,
j)   the adoption of an operational plan under section 405,
k)   the adoption of a financial statement included in an annual financial report,
l)   a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
m)   the fixing of an amount or rate for the carrying out by the council of work on private land,
n)   the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
o)   the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979.
p)   the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,

q)   a decision under section 356 to contribute money or otherwise grant financial assistance to persons, other than in some circumstances as outlined in Section 377 (1A) of the LGA.

r)   a decision under section 234 to grant leave of absence to the holder of a civic office,

s)   the making of an application, or the giving of a notice, to the Governor or Minister,

t)   this power of delegation,

u)   any function under this or any other Act that is expressly required to be exercised by resolution of the council.

Click this link to Council's website to view a copy of Council's 'Delegations of Authority'.

2. How Council functions affect members of the public

Most of the functions carried out by Council have an impact on the public. The following is an outline of how the broad functions of Council affect the community.

To consider these in a broad sense, the following major categories are used:

1. Service Provision
2. Regulation
3. Ancillary
4. Revenue
5. Administrative
6. Enforcement
7. Community Planning and Development Functions

2.1   Service Provision

The provision of public facilities and amenities are ways in which people come into contact with Council's operations. Capital works programs, maintenance, recreation areas, halls, centres, roads, footpaths, lighting, removal of garbage, public health, immunisation, libraries and child-care are just a few of the many services offered. Service functions affect the public as Council provides services and facilities to the public.

2.2   Regulation

This process affects a large percentage of the local residents, for example, Council has a responsibility to determine development applications to ensure that buildings are constructed safely and in suitable areas and that public safety and protection of the local amenity is maintained. Regulatory functions place restrictions on developments and buildings to ensure that they meet certain requirements affecting the amenity of the community and do not

endanger the lives and safety of any person. Members of the public must be aware of, and comply with, such regulations.

2.3   Ancillary

These affect only a minority of the public, for example, Council resumes land or Council needs at times to enter upon private property to carry out its duties. In these circumstances, only the owner of the property would be affected.

2.4   Revenue

This aspect affects the great majority of residents, in that rates and other charges are levied in return for the services and facilities that are provided for the community. Revenue functions affect the public directly in that revenue from rates and other charges paid by the public is used to fund services and facilities provided to the community.

2.5   Administrative

These functions do not necessarily affect the public directly but have an impact on the administration of the community, for example, Council employees produce financial and strategic plans which outlines the strategies of the Council over the coming years. Administrative functions also indirectly impact on the community through the efficiency and effectiveness of the service provided.

2.6   Enforcement

Enforcement functions only affect those members of the public who are in breach of certain legislation. This includes matters such as the non-payment of rates and charges, unregistered dogs and parking offences. Ultimately, this impacts on the entire community as standards of public behaviour and environmental protection are maintained for the benefit of all.

2.7   Community Planning and Development Functions

Community planning is vital and affects the community through cultural development, social planning and community profile and involves advocating and planning for the needs of our community. This includes initiating partnerships; participating on regional, State or Commonwealth working parties; and preparation and implementation of the Community Social Plans.

In 2017 Bayside Council adopted its Integrated Planning Framework which was the culmination of months of extensive community consultation, research and analysis. Council's current community Strategic Plan, is about the future of our whole community. It represents the aspirations of people who live, visit and work in the City of Bayside and is a twelve year

vision developed as a collaborative effort between the community and Council.   Click here to view the Community Strategic Plan.

It is built around four key strategic directions / themes which were developed during the community engagement process which encouraged a broad cross section of our community to have their say in identifying the key issues that Council would need to consider. Council utilised both traditional engagement and communication methods along with a number of unique projects, which were aimed specifically at engaging our children, youth and senior groups. The following opportunities to join in the discussion were provided:

- 'Have Your Say' Bayside 2030 – online engagement portal;
- Attending local Interagencies with partner organisations;
- Council Executive and Manager's workshops – future thinking;
- Youth and Seniors Focus groups;
- Individual interviews with hard to reach residents;
- Pop up kiosks at events, festivals and shopping centres;
- Postcards from the future – enabled people to write about their vision for Bayside;
- Social media; and
- Workshops.

The documents now provide Council with the framework to plan social, environmental and economic outcomes to deliver and achieve our vision for the City in 2030 – *A City built on trust, with engaged communities effective leadership and access to decision making.* It is based on the aspirations and values the community has shared with us through extensive community engagement.

Further, the subsequent components of the Framework link the delivery of all Council projects, programs and activities to the desired expectations of the community and demonstrate the related costs in a totally transparent manner.

3. How the public can participate in Council's decision making process

Members of the public can participate in policy development and general activities of Council in many ways including the following:

- addressing the Council during the Public Forum at Council meetings
- responding to policies and plans placed on public exhibition
- making representations to Councillors
- discussing issues with Council Officers
- participating on certain Council Committees/Working Parties
- through surveys and interviews
- by attending forums, seminars, workshops and public meetings
- through neighbour notification procedures

Bayside Council's Regular Council Meetings are held on the second Wednesday of the month.   There is no Council Meeting held in January. These meetings and the Bayside

Local Planning Panel are open to the public. Advisory Committee and Working Party meetings minutes are also determined at these meetings. All agendas and minutes of the Ordinary Council Meetings, Advisory Committee meetings and Working Party meetings are available via Bayside Council's website, libraries and Customer Service Centre. Click here to access agendas and minutes on Council's website.

Council also holds the following Committee meetings and Working Party meetings:

- Bayside Traffic Committee
- Risk & Audit Committee
- Sport & Recreation Committee
- Brighton Le Sands Working Party
- Bayside Floodplain Risk Management Committee
- Bayside Local Planning Panel

There are two broad ways in which the public may participate in policy development and the general activities of the Council. These are through representation and personal participation.

3.1   Representation

Local Government in Australia is based upon the principle of representative democracy. This means that the people elect representatives to the Council to make decisions on their behalf. In New South Wales, Local Government elections are held every four years. The last Local Government Election was held on Saturday, 9 September 2017. The next elections will be held in September 2021.

Bayside Council is divided into five divisions called Wards. At each election, voters elect three (3) Councillors for each Ward (i.e., a total of fifteen (15) Councillors) for the four year term. All residents of the City of Bayside who are eligible to vote are required to do so. Property owners who live outside the area but who have registered their intention to vote on the non-residential roll may also vote. Voting is compulsory and people may only vote for candidates in the Ward in which they live or have property. The Councillors elect the Mayor each year.

Residents are at any time are able to raise issues with and make representations to the elected Councillors. The Councillors, if they agree with the issue or representation, may pursue the matter on behalf of the person, thus allowing members of the public to indirectly influence the development of policy. The contact details for Council's currently elected Councillors are available on Council's website. Click here to view the contact details of current Councillors.

Bayside Council is represented, through Councillors or members of its staff, on a wide range of internal and external committees and regional organisations.

3.2   Personal Participation

There are also avenues for members of the public to personally participate in policy development and the functions of the Council. Some Council Committees and the Working Party comprise or include members of the public.

At Council Meetings the Councillors meet in open session, business papers and minutes of the meetings are published and the Council actively seeks public participation in policy development or other decision making processes. The same procedures for Council exercising its functions are applicable for policy formulation, by way of addresses by the public at Council Meetings. The opportunity for prior submissions by the public is encouraged, and in some cases mandatory and public notice in local newspapers and on Council's website, are utilised as the most effective publicity mediums.

The Bayside Local Planning Panel (comprising of independent members), assesses and determines development applications and makes recommendations on planning proposals. There is also an opportunity for the public to participate at these meetings in the same way as Council meetings.

4.   Types of Information Held

Council holds a wide range of information that relate to a number of different issues concerning the City of Bayside.

4.1   Electronic and 'Physical' Files

Council has implemented an Electronic Document Management System (EDMS) called Trim. Prior to amalgamation in September 2016 the former Rockdale and Botany councils had dispensed of all hard copy files, except for development / building / construction applications prior to 2013.

Accordingly, the EDMS captures information against the following indices but limited to:

- Customer
- Property
- Application
- Street/Road
- Subject
- Meetings

The main types of hard copy files held by the former Councils included general subject files, subdivision files, property files, development applications and building applications. These files were categorised as follows:

- Council property files

- Development application files
- Drainage files
- Environmental Health investigation files
- Freedom of Information / Access to Information files
- Insurance files
- Park files
- Personnel files
- Road files
- Tender files
- Tree Preservation Order applications

These types of records / files are now held electronically in EDMS called Trim.

4.2   Open Access Information

1. Information about Council;
2. Plans and Policies;
3. Information about Development Applications;
4. Approvals, Orders and other Documents.

5.   Types of Information Available

Council holds a range of information in various formats that relate to a number of different issues concerning the Bayside Council area. This information may be available on Council's website, via an Access to Information request or via a formal Government Information Public Access (GIPA) application. All requests for access to information held by Council will be determined in accordance with the requirements of the GIPA Act.

The Government Information (Public Access) Regulation requires that open access information held by Council, be made publicly available for inspection, free of charge (Part 2, Section 4). The public is entitled to inspect this information either on Council's website or at the Customer Service Centre during ordinary office hours or at any other place as determined by the Council. Any current (and the immediately preceding version of documents / information) of this type may be inspected by the public free of charge.

The following information is prescribed open access information (in accordance with the Government Information (Public Access) Act 2009 (GIPA Act)) and is available on Council's website for perusal.

- this information guide
- Information (if any) tabled in Parliament on behalf of Council (will be available on Council's website if and when any information is tabled in parliament on behalf of Council)
- Council's policy documents (click here)
- Council's GIPA Disclosure Log (click here)

- Council's register of government contracts (click here)
- A record of open access information that is not made available to the public on the basis of an overriding public interest against disclosure.

In addition, pursuant to Schedule 1 of the GIPA Regulation 2009, all of Council's 'Open Access' Information is required to be available to the public via Council's website (unless there is an unreasonable additional cost to Council to publish these documents on the website). Where this is the case, the information will be available for inspection at Council offices only. Any current (and the immediately preceding version of) documents of this type may be inspected by the public free of charge. Copies can be supplied for reasonable copying charges.

The following open access information is available and has been divided into four sections as outlined by Schedule 1 of the Government Information (Public Access) Regulation.

1. Information about Council;
2. Plans and Policies;
3. Information about Development Applications;
4. Approvals, Orders and other Documents

Types of information within these categories is listed below:

5.1   Information about Council

- The model code prescribed under section 440 (1) of the LGA
- Council's adopted Code of Conduct
- Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Report
- Management Plan
- EEO Management Plan
- Policy concerning the Payment of Expenses Incurred by, and the Provision of Facilities to Councillors and the Mayor
- Annual Reports of Bodies Exercising Functions Delegated by Council
- Any Codes referred to in the LGA
- Returns of the Interests of Councillors, Designated Persons and Delegates
- Agendas and Business Papers for any meeting of Council or any Committee of Council
- Minutes of any meeting of Council or any Committee of Council
- Departmental Representative Reports presented at a meeting of Council
- Land Register
- Register of Investments
- Register of Delegations
- Register of Graffiti removal works
- Register of current Declarations of Disclosures of Political donations

- Register of Voting on Planning Matters

5.2 Plans and Policies

- Local Policies adopted by Council concerning approvals and orders
- Plans of Management for Community Land
- Environmental Planning Instruments, Development Control Plans and Contribution Plans

5.3 Information about Development Applications

- Development Applications and any associated documents received in relation to a proposed development
- Home Warranty Insurance documents
- Construction Certificates
- Occupation Certificates
- Structural Certification Documents
- Town Planner Reports
- Submissions received on Development Applications
- Heritage Consultant Reports
- Tree Inspections Consultant Reports
- Acoustic Consultant Reports
- Land Contamination Consultant Reports
- Records of decisions on Development Applications including decisions on appeals
- Records describing general nature of documents that Council decides to exclude from public view including internal specifications and configurations, and commercially sensitive information.

5.4 Approvals, Orders and Other Documents

- Applications for approvals under Part 1 of Chapter 7 of the LGA
- Applications for approvals under any other Act and any associated documents received.
- Records of approvals granted or refused, any variation from Council Policies with reasons for the variation, and decisions made on appeals concerning approvals.
- Orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA
- Orders given under the Authority of any other Act
- Records of Building Certificates under the Environmental Planning and Assessment Act 1979
- Plans of land proposed to be compulsorily acquired by Council
- Compulsory Acquisition Notices
- Leases and Licenses for use of Public Land classified as Community Land

6. Accessibility to publicly available information

Under the GIPA Act there is an underlying rationale to encourage greater accessibility to government information for members of the public.

Council's Access to Information Policy sets out how the public may apply for access to information held by Bayside Council. This policy is available for viewing and downloading from Council's website or by visiting Council's Customer Service Centre. Click here to view Council's Access to Information Policy.

Council will deal with requests to inspect information informally free of charge in accordance with the Government Information (Public Access) Act (GIPA) and Regulation. However reasonable photocopying charges may apply for copies of documents. All charges are detailed in Council's Schedule of Fees and Charges. Click here to Council's website to view Council's Schedule Fees and Charges.

If information is not available on Council's website or cannot be provided by a Council Customer Service Officer, then an access application may be made by completing an 'Access to Information' form. Click here to access the form.

There is a right of access under the GIPA Act to certain information held by Council unless there is an overriding public interest against disclosure. The following information is made available to the public as outlined below:

- mandatory disclosure requirements (information available via Council's website and for inspection free of charge at Council's Customer Service Centre. Copies are available subject to a photocopying fee); or
- proactive release by Council (information available via Council's website and for inspection free of charge at Council's Customer Service Centre. Copies are available subject to a photocopying fee); or
- informal (Access to Information) request (form available on Council's website or by visiting Council's Customer Service Centre).

Some information will require a formal GIPA Application. Any member of the public may make a formal application for access to Council information that is not readily available.

Council's Access to Information policy sets out how the public may apply for access to information held by Bayside Council. This document is available for viewing and downloading from Council's website or by visiting Council's Customer Service Centre.

6.1   Informal Access

Council will attempt to deal with all access to information requests informally, subject to the public interest test. Most information is available for inspection free of charge at Council's Customer Service Centre. Copies of such information is available however may be subject to a photocopying fee. All charges are detailed in Council's Schedule of Fees and Charges. Click here to Council's website to view Council's Schedule Fees and Charges.

Notwithstanding the lodgement of an informal application (Access to Information Request), Council may require a formal GIPA Application to be submitted when the information sought:

- is of a sensitive nature that requires careful weighing of the considerations in favour of and against disclosure; or
- contains personal or confidential information about a third party that requires consultation; or
- would involve a significant amount of time and/or resources to produce.

Click here to access Council's GIPA 'Access to Information' form.

6.2   Formal GIPA Applications

There is a right of access under the GIPA Act to certain information held by Council unless there is an overriding public interest against disclosure. Any applications under the GIPA Act will be processed in accordance with the Act's requirements and a determination made to release the information or refuse access on the basis of the relevant considerations under that Act. Charges for formal applications are in accordance with the GIPA Act and include a $30 application fee. A $30 per hour processing charge may also be applied for formal access applications where the processing time exceeds more than one hour. Council will advise the applicant if a processing fee is to be applied and how this amount has been calculated.

Information may be provided electronically or in hard copy (for hard copy documents a photocopy fee applied in accordance with Council's adopted Schedule of Fees and Charges).

A person seeking access to information from Council should check if the information being sought is already available by Council informally. If the information is not available through mandatory, proactive or informal release, a formal access application may need to be made.

Click here to access Council's formal GIPA 'Access to Information' form.

6.3   Access to information and the public interest

In deciding whether to release information, Council must decide whether it is in the public interest to disclose the information. Under the GIPA Act, there is an underlying principle to encourage greater accessibility to government information for members of the public and a general presumption in favour of disclosure.

Access, however, may be refused if the public interest against disclosure outweighs the public interest in favour of disclosure (the public interest test'). Council can take into account personal factors of the applicant in applying the public interest test.

The factors that can be taken into consideration in favour of the public interest are unlimited. The factors that are able to be taken into consideration against the public interest, however, are as follows:

- Responsible and effective government
- Law enforcement and security
- Individual rights, judicial processes and natural justice
- Business interests of agencies and other persons
- Environment, culture, economy and general matters
- Secrecy provisions
- Exempt documents under interstate Freedom of Information legislation

Under Schedule 1 of the GIPA Act there are twelve categories of government information for which there is a conclusive presumption against disclosure (for example: information subject to legal professional privilege).

In applying the public interest test, the council **must not** take into account that disclosing the information may cause embarrassment to, or loss of confidence in the Council, that the information that may be misinterpreted or misunderstood by members of the public.

Any applications under the GIPA Act will be processed in accordance with the Act's requirements and a determination made to release the information or refuse access on the basis of the relevant considerations under that Act.   However, Council may waive the fees so please contact the Right to Information Officer, before lodgement. Council's Right to Information Officer (Team leader information) can be contacted on (02) 95621678. Council's business hours are 8.30am to 5.00pm, Monday to Friday (excluding Public Holidays).

In addition, enquiries about access under the GIPA Act 2009 or under the Privacy and Personal Information Protection Act 1998 may be directed to either the Customer Service Centre on 1300 581 299 the Public Officer / Governance and Risk Manager on 91372563 or GIPA Right to Information Officer on 95621678. A range of information is also available to view on Council's website www.bayside.nsw.gov.au

6.4   Third Party Consultation

In accordance with section 54, council must consult with third parties, where the information requested includes:

- Personal information;
- Business interests;
- Research that has been carried out; or
- The affairs of another State or the Commonwealth government

Consultation must take place if the information is such that the person or persons may have reasonable concerns about disclosure and those concerns are relevant to the public interest test.

7.   Amendments to Council information concerning members of the public personal affairs

Members of the public seeking to gain access to or to have their records amended relating to their personal affairs should contact Council's Public Officer. Any such requests will be dealt with in accordance with the Privacy and Personal Information Protection Act 1988 and Council's Privacy Management Plan.

8.   Right to Information Officer and Public Officer

The Team Leader information is Council's Right to Information Officer who is responsible for determining applications for access to information or for the amendment of records. If you have any difficulty in obtaining access to Council information, you may wish to refer your enquiry to Council's Right to Information Officer or the Public Officer. Bayside Council's Right to Information Officer can be contacted on (02) 9562 1678. Proactive requests of a general nature or open access requests may be dealt with by Customer Service Centre staff and Development Advisory staff at the point of request.

Council's Manager Governance and Risk has been appointed as the Public Officer. Amongst other duties, the Public Officer may deal with requests from the public concerning the Council's affairs and has the responsibility of assisting people to gain access to information of the Council.
Also, if you would like to amend a Council information which you feel is incorrect it is necessary to make written application to Council. Council's Customer Service Centre is open between 8:30am to 5:00pm (Monday - Friday).

8.1   Assistance - Right to Information Officer's Contact Details

Council's Right to Information Officer deals with access to information requests of an informal and formal nature and has the responsibility of assisting customers to gain access to information of the Council.

Right to Information Officer's contact details:

In person:	Right to Information Officer Team Leader Information Bayside Council Customer Service Centre 2 Bryant Street ROCKDALE NSW 2216
Postal Address:	PO Box 21 ROCKDALE NSW 2216
Telephone:	02 9562 1678 or 1300 581 299
Email:	council@bayside.nsw.gov.au

8.2   Assistance - Public Officer's Contact Details

The Public Officer deals with requests from the public concerning the Council's affairs and has the responsibility of assisting people to gain access to information of the Council. Enquiries to the Public Officer should be addressed as follows:

In person:	Public Officer Manager Governance & Risk Bayside Council Customer Service Centre 2 Bryant Street ROCKDALE NSW 2216
Postal Address:	PO Box 21 ROCKDALE NSW 2216
Telephone:	1300 581 299
Email:	council@bayside.nsw.gov.au

9. Information and Privacy Commissioner

The Information and Privacy Commissioner (IPC) can also be contacted to provide assistance with your rights to information.

Contact details for IPC are listed below:

- Call 1800 IPC NSW (1800 472 679) between 9am to 5pm, Monday to Friday (excluding public holidays).
- Email ipcinfo@ipc.nsw.gov.au
- Mail GPO Box 7011, Sydney NSW 2001
- Visit Level 11, 1 Castlereagh Street, Sydney NSW 2000
- Website www.ipc.nsw.gov.au

10. Information Guide Review

This Information Guide was originally adopted by the General Manager of Bayside Council on 11 September 2017. This is the third version of Council's Information Guide and reviewed on 31 July 2019.

This Information Guide was formerly known as the 'Publication Guide' however the name changed to 'Information Guide' to reflect legislative changes.